Clean Air Facts

Your Permit Application, Your Specific Responsibilities

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Wisconsin Department of Natural Resources (DNR), Air Management Program has its responsibilities when it comes to reviewing a permit application. The facility or other entity completing a permit application for a proposed project or existing facility also has their own set of responsibilities. The Air Program has the authority to make a determination of whether the source(s) covered by an application can meet all the applicable requirements in Wisconsin's Statutes or Administrative Code and based on that determination, whether the permit can be issued or denied. Beyond that, the entity submitting the application is responsible for everything else. What does that entail?

Types of Air Pollution Permits

There are two types of Air Pollution Permits that you may need to apply for at one time or another, and they are either Construction Permits or Operation Permits. Each permit involves slightly different responsibilities for the facility submitting the application.

The Small Business Clean Air Assistance Program (SBCAAP) has fact sheets on each of the types of permits to help you determine if you need to apply for one. Once you've determined you need an application for one of these permits, keep a few things in mind that you will need to provide the DNR's Air Program permit writers as they review your application and issue your permit.

Construction Permit Applications

You want to add a new process line to your facility. A process line can be a piece or series of equipment that makes or completes a step in the making of your final product. This new line you're proposing has air pollution emissions and IS NOT exempt from the requirement to get a construction permit. You need to complete an application for a construction permit. There is a SBCAAP fact sheet on **Construction Permit Basics** that talks about some of the exemptions.

It is up to you, or any consultant you hire, to complete the necessary application forms. Providing a complete application comes with a few responsibilities on your part:

- collecting size and raw material throughput information about the proposed equipment;
- gathering any data needed to perform emissions calculations;
- providing any additional information the DNR permit writer needs to complete their review;
- making decisions on which option to chose for any requirements that allow options more specific to your operations.

There are certain requirements in the Wisconsin Administrative Code that may require you to do additional work and make some decisions after the initial application is submitted. There is a SBCAAP fact sheet on the **General Organic Compound Rule in s. NR 424.03**. It is one rule, if you are not exempt from it, that is most likely to involve extra work

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and decisions on options. Check out this fact sheet ahead of time to find out if it might apply to you.

While DNR has the expertise regarding the air pollution rules and how to apply them for purposes of issuing you a permit, they don't have the expertise to run your facility. When options are available, it is up to you to decide which option will work best for your operations.

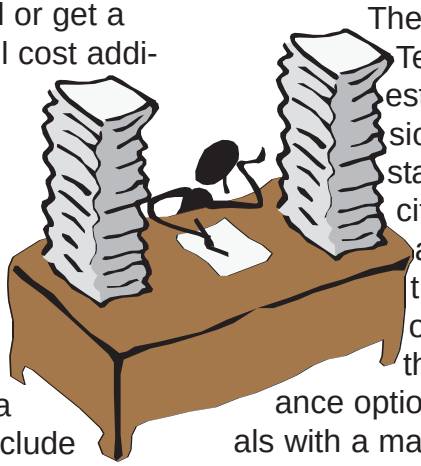
Hiring a consultant may be worth the fees they charge because they can do much of the leg work with the equipment and raw material suppliers to gather data and can perform the complex calculations for you. It all depends on your comfort level with basic chemistry and math principles (beyond simple addition/subtraction) and your time to devote to their use.

Lacking Exact Equipment Dimensions?

Well, you will have to get the best estimates on size, etc. that will allow you to apply for the most likely set up you wish to construct. If you estimate too small, you may have to revise your construction permit after it is issued or get a completely new permit, and that will cost additional construction permit fees.

Constructing A Whole New Facility?

Similar responsibilities are also applicable if you want to build a whole new manufacturing plant of some kind. Depending on where you are located, an application for a completely new source may also include additional work called a ***modeling analysis***.



A modeling analysis involves a very complex computer program and would necessitate the hiring of a consultant experienced in its use. While the need for a business to perform its own modeling analysis usually only applies to very large new sources, it may apply to smaller businesses in counties called Nonattainment Areas if their air does not meet National Ambient Air Quality Standards (Ambient Standards). In nonattainment areas, the state and federal Air Pollution agencies define the cut-off for "large" sources at lower levels than in areas where the air is cleaner. That's why smaller businesses may be affected by requirements usually only applicable to large sources. In other areas, the DNR would perform the modeling analysis.

Operation Permit Applications

In addition to the requirements for a construction permit application, the responsibilities for an operation permit application are:

- choose compliance options if a MACT standard applies (fact sheets on specific MACT standards are available);
- make decisions on stack configurations or emissions limits based on the modeling results (see the **Modeling Emissions for Permits** fact sheet available from SBCAAP);
- pay construction permit fees if DNR reviewer finds that you should have received construction permit for an old project;
- know your existing control equipment.

MACT Standard Options

The Maximum Achievable Control Technology (MACT) standards, established by EPA, restrict the emissions of hazardous air pollutants. The standards will usually provide a specific level of reduction of the hazardous air pollutants (HAPs), and then give multiple compliance options of how a source might get that level of reduction. The compliance options might range from use of materials with a maximum HAP content only, to installation of one of a number of types of control equipment (depending on the process, more than one may achieve the same level of reduction), to just meeting certain work practices (covering storage containers, using certain application methods).

Modeling Results

The whole facility's emissions are modeled for operation permits. It is often as simple as raising stacks or restricting operations below the maximum throughput to get the total emissions to

meet Ambient Standards. More complex facilities may need combinations of those options plus others to meet the Ambient Standards and in that case they will need to hire a consultant to perform the complex modeling until the right combination is reached to show they meet the Ambient Standards.

Construction Permits After-the-Fact

The operation permit includes all significant process lines at your facility. The review process includes a check on whether each of these process lines have received a construction permit. The construction permit rules were established in 1979, so if you installed a process line anytime after 1979 and it was not exempt from a construction permit, one will be issued to you along with the operation permit. The construction permit fact sheets (three different ones) published by the SBCAAP discuss the exemptions.

For every construction permit issued, there are applicable fees. If any construction permits are issued to you with your operation permit, you will be billed the usual fees. SBCAAP's construction permit fact sheets list some the basic fees. For a complete listing of permit fees, refer to chapter NR 410 in the Wisconsin Administrative Code.

Know Your Control Devices

You may already have certain control devices installed without being required by a particular rule. Many facilities have installed a cyclone or baghouse to control dust from a process that creates dust: sanding, grinding, welding. Done to take the dust away from workers, it may not occur to anyone at the facility to worry about what they're doing by pumping the dust outside. To protect both indoor and outdoor air, these control devices need to operate properly. There are a number of things you can do to make sure they are operating properly, and some of those things may be required as a condition of the permit. That way DNR can make sure you are protecting the outside air as much as can be expected with your particular device.

The permit conditions might be something like a pressure drop across (difference in pressure between inlet and outlet) a cyclone or baghouse, or regular inspections of the device to check that inlet and outlet ducts are not plugged or something like that. Whatever that condition is that goes in the permit, you will be required to do that regularly and keep records or some kind of log to show that you are doing so. You may get caught up in enforcement if the conditions are NOT MET as required in the permit. Even if the case is that you guessed wrong on the wrong pressure drop range for the device, if it does not operate in that range you will be in violation. That's not to say you should operate the device incorrectly. MAKE SURE THE PERMIT CONDITIONS ARE CORRECT FOR YOUR DEVICE BEFORE THE PERMIT IS ISSUED.

To set those conditions in the permit to the right levels you need to know design and operation details on your device. If you don't have any documentation on the device, you may need to track down the manufacturer or if they no longer exist, do some research to see if you can find manufacturers with data on similar devices.

Once You Have a Draft Permit?

No matter what type of permit you are issued, each will go through a public comment period. At that time DNR will send you a **draft** permit. Pay attention to the specific requirements in the permit. There may be certain criteria you have to meet during construction of your process, or have to modify on an existing process, as well as installation or redesign of any related equipment or structures. The draft permit is the stage when it is easiest to negotiate if you feel certain permit requirements will be difficult to meet.

If you wait until the permit is final and find you cannot meet certain requirement, you may be in violation of that permit from the day it is issued. It can take a long time to resolve issues after a permit is final and this may put you in the position of being in violation of a permit for an extended period of time or having to delay construction.

Here are some key issues to look for in a **draft** permit:

Any new or existing process may be required to perform a stack test to demonstrate the emissions in the exhaust meet the limits in the regulations. Duct work and exhaust stacks may need to have test ports installed to allow testing equipment to be placed in the exhaust stream. See the **Stack Testing** fact sheet from SBCAAP for details.

Control devices as well as the equipment designed to capture emissions from your process and carry them to the control device or exhaust point may have to meet certain criteria. Discuss with the DNR permit writer how the permit requirements could affect the design criteria for these items. These devices may also have requirements for installation of equipment to monitor operating parameters. Consider how these may affect the design of the process.

Certain requirements may dictate the type of raw materials you can use in your process. For example: painting, coating or printing operations may be limited on the VOC content of the coatings or inks applied or the amount used each month. Consider how this will affect your operations and make sure you can live with the limits.

Once You Have a Final Permit?

DO NOT just file this away as your ticket to construct and/or operate. The final permit outlines all the conditions you will be required to meet on a regular basis. As with your draft permit, pay attention to all the little details. Then make sure you have a system in place that will help you show DNR, or anyone else who asks, that you are meeting each condition in your permit.

If you're not sure how to get started, use the **Air Permit Compliance Calendar** (available from SBCAAP). It has sections to help you track monthly records. There are different reminders in pertinent months and there are blanks on each month's page for you to add your own reminders of specific deadlines included in your permit.

It might even be a good idea to re-read your permit at regular intervals to make sure you haven't missed anything. If you ever have any questions about how to comply with a certain requirement, contact one of the folks in the box below.

Contacts for More Information or Assistance.

The Small Business Clean Air Assistance Program helps smaller businesses understand and comply with the Clean Air Act regulations. Contact one of the program's Clean Air Specialists for more assistance: Renée Lesjak Bashel at 608/264-6153 or Tom Coogan 608/267-9214.

For further information on Air Pollution Permit Applications, contact your DNR Regional or Service Center office shown on the **DNR Contact Fact Sheet** or the DNR's Central office at 608/266-6876.